IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT CHANDIGARH

COCP No. 131 of 1994
Date of decision: November 13, 2006.

Rattan Chand

...**Petitioner(s)**

v.

Shri P. Raghvendra Rao & Anr.

...**Respondent(s)**

Present: None for the petitioner.

Shri R.D. Sharma, Dy. Advocate General, Haryana
for the respondents.

Surya Kant, J. (Oral)

The petitioner retired as a Patwari on attaining the age of superannuation on 31.8.1992. It appears that some of his retiral benefits were not released in time which prompted him to file CWP No.5777 of 1993 in this Court. The above stated writ petition was disposed of on 5.8.1993 with a direction that entries in the service book of the petitioner be completed and his remaining retiral benefits be paid to him within three months. This Court further directed that if entire arrears are not paid, the petitioner would be entitled to have interest @ 12% per annum.

Alleging that entire arrears of retiral benefits were not paid to him within the time stipulated by this Court, and as such he is entitled for interest @ 12% per annum, this contempt petition has been filed.

In response to the show cause, an affidavit has been filed by

Mr. P. Raghavendra Rao, IAS, the then Deputy Commissioner, Sirsa. In his said affidavit, he has taken a stand that though two of the retiral benefits, namely, gratuity and pension have been released to the petitioner after filing of the contempt petition, however, the delay was caused for the reason that the petitioner did not submit the pension papers despite letters dated 25.1.1993 (Annexure R-1), dated 2.11.1993 (Annexure R-2) and dated 19.11.1993 (Annexure R-3) sent to him. It is also averred that the petitioner submitted incomplete pension papers on 3.1.1994 followed by some more papers sent by registered post on 11.1.1994. Thus, according to the respondents, it is the petitioner who is responsible for the delay in release of the retiral benefits.

After going through various documents appended by respondent No.1 with his affidavit and having regard to the seriously disputed questions of fact, noticed above, I do not deem it appropriate to continue with these contempt proceedings which are accordingly dropped, however, with liberty to the petitioner to get his claim for the grant of interest adjudicated before an appropriate forum, if so advised.

Rule discharged.

November 13, 2006. [**Surya Kant**]
kadyan **Judge**